SPEECH

OF

HON. DAVID WILMOT.

Of Pennsylvania,

ON THE

CONFISCATION OF PROPERTY.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 30, 1862.

The Senate having under consideration the bill [S. No. 151] to confiscate the property and free the slaves of rebels, Mr. WILMOT said:

Mr. PRESIDENT: The second section of the bill reported from the Judiciary Committee is an act of emancipation, giving freedom to the slaves of those who, during the present rebellion, shall take up arms against the United States, or in any manner give aid and comfort to said rebellion. The bill itself declares their emancipation without the intervention of court or commissioners, and provides that in any proceeding by the master to enforce his claim against the slave, he shall establish his loyalty before an order shall be made for the surrender of the slave. The bill provides for the confiscation to the national Treasury of both real and personal estate of rebels who shall, after the passage of this act, be engaged in the rebellion, or in giving it aid and comfort, and who are beyond the United States, or, if within the United States, are beyond the reach of judicial process. The bill does not *per se* work a forfeiture, but forfeiture takes place after seizure and appropriation by the commissioners appointed to act within those States and districts where the rebellion makes the holding of courts impossible, and after condemnation by the courts, in districts where they can be held, of the property seized, upon proceedings *in rem*, as in prize cases, or cases of forfeiture arising under the revenue laws.

I will consider briefly of both features of the bill. The second section, that providing for the emancipation of the slaves of rebels, I sustain in the whole length and breadth of its provisions. While I shall claim for the Government full power over the subject of slavery, I would not at this time go beyond the provisions of this bill. I would to-day give freedom to the slaves of every traitor; and after that would confidently look for the early adoption of the policy recommended by the President, gradually to work out the great result of universal emancipation.

Special guarantees are claimed for the protection of slavery. Exemption is demanded for it from the hazards and necessities of war. Greater security is attempted to be thrown around it than is accorded to any other interest of right. I deny the legality of this pretension in behalf of slavery. It has no constitutional basis. Its claims of peculiar sacredness, and for special protection, are an insult to the nation. Life and liberty are made secondary to the safety and preservation of slavery. The property of the nation is to be subjected to heavy contributions, the lives of tens of thousands of its citizens sacrificed, hundreds of thousands of widows and orphans cast upon the charity of friends for support, all that we possess, life and property, are at the disposal of the Government; slavery alone claims exemption, the cause of the rebellion, the parent of all the calamities that threaten and afflict us. This great revolt

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against the integrity and sovereignty of the nation has no other foundation than slavery. Democratic government is a perpetual danger to slavery. The government of an oligarchy is demanded as security for its perpetuity and power. Here is the cause of the rebellion with its immense sacrifices of life and treasure. Amidst the sacrifices of this hour, this universal wreck of interests, shall the slaveholding traitor grasp securely his human chattle? Not, sir, if my voice or vote can reach him.

We must rightly comprehend the unparalled wickedness of slavery, and the desperate determination with which it makes war on the Government, or we shall fail to deal with it as our security and peace demand. For thirty years slaveholders have looked with fear and hatred on our free system of government. Universal suffrage and the wide diffusion and increase of knowledge were sources of constant dread. For years they have kept the peace only on the terms of their domination and our subjection. They have governed the country, shaped its foreign and domestic policy, controlled its legislation on all questions of interest to themselves, and administered, in their own hands, or through northern men subservient to them, every high office of State. A more imperious oligarchy never ruled a government.

The freemen—the democracy of the nation—in the election of Abraham Lincoln vindicated their right to administer the government, and in the first hour of victory were met by the armed rebellion of the slaveholders. Shall slavery overthrow this Government? The nation has the right of self-defence, of self protection—the right to make secure its peace and safety, and to remove whatever stands in the way. Slavery, in the war it has provoked, perils the national existence. It is the immutable law of nature and of nations, that a State shall preserve itself, that it may destroy whatever enemy threatens its life.

Vattel, a writer of caution, and of high authority on national law, lays it down that—

"A State has a right to everything that can secure it from threatened danger, and to keep at a distance whatever is capable of causing its ruin. A nation is *obliged* to preserve itself, and the law of nature gives it the right to everything without which it could not fulfill this obligation.

"The law of nations is originally no more than the law of nature applied to nations. We call that the *necessary* law of nations that consists in the application of the law of nature to nations. It is necessary because nations are absolutely obliged to observe it. The *ne essary* law of nations, being founded on the nature of things, is immutable. Whence, as this law is immutable, and the obligations that arise from it necessary and indispensable, nations can neither make any changes in it by their conventions, dispense with it themselves, nor reciprocally with each other."

Again, Mr. Rawle, in his view of the Constitution, in speaking of our duty to maintain the Union, says:

"In every aspect, therefore, which this great subject presents, we feel the deepest impression of a sacred obligation to preserve the Union of our country; we feel our glory, our safety, and our happiness involved in it; we unite the interests of those who coldly calculate advantages with those who glow with what is little short of filial affection, and we must resist the attempt of our own citizens to destroy it with the same feelings that we should avert the dagger of the parricide."

Slavery is the parricide that now aims at the national life. We must bind the criminal in perpetual bonds, if we would secure to the nation safety and peace.

The right of a State to preserve itself is clearly set forth by Vattel; nay, it is *obliged* so to do by a necessary and paramount law. Every writer of authority on the law of nations agrees with Vattel touching the right of national self-defence. The law is consonant with reason and justice and the common sense of mankind, and needs no citation of authorities to support it.

The law being established, the only questions open for examination are, the nature of this Government, and the hostile character of the enemy by which it is assailed. If we are a league of independent States, each having the right to withdraw at pleasure, and for causes the sufficiency of which each may judge, then the confederate States are right in the independence they assume, and the war on our part is a war of subjugation, flagrant and unjust. Our right to carry on the war can only be defended on the ground that we are a nation, bound by the obligation to defend our national existence.

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What enemy puts our safety in peril; assails with war our unity and life? All enlightened and impartial men will give the same answer. Slavery is that enemy—the deadly and persistent foe of the nation. Slavery has organized for the overthrow of the Government the greatest rebellion in history, and without cause, save its fear and hatred of republican institutions. The nation was prosperous and happy; life and property were secure; we enjoyad a freedom given to no other people, a prosperity full to overflowing. Every blessing and every right was ours. The Government was only felt in the protection it gave and in the blessings it conferred. The armed revolt of the slaveholders against a Government so just and beneficent is the most detestable crime on record. Slavery arms brother against brother, and embrues the nation in fraternal blood. It offers alliances with foreign despots and consents to the establishment of monarchies on our continent. Does any Senator on this side of the Chamber doubt that slavery is the immediate cause of our troubles?—If not, then I claim his support for such measures against slavery as shall make it powerless for future mischief. I demand indemnity for the past and security for the future. The nation must never again pass under the yoke of the slave power. We must have no reconstruction re establishing the domination of slavery. We shall deserve, and will receive, the scorn and execration of the civilized world if we step back from the plain duty before us. We must give the country *lasting* peace; we must cripple forever the power of slavery, and enfranchise the nation from its insolent rule. Slavery has made and unmade, built up and torn down at pleasure. It has enforced upon the Government and country novel and unwarrantable constructions of the Constitution by threats of disunion and blood.

It is an element of constant disturbance and danger. Mr. Calhoun earlier saw and more clearly comprehended than his cotemporaries the irreconcilable antagonism between freedom and slavery. Commodore Stewart is the witness that, as early as 1814, Mr. Calhoun became satisfied that the two systems of society and labor could not both stand under one Government; that slavery must go to the wall, or a dissolution of the Union was inevitable. He devoted his life in giving strength to slavery, and thus preparing for the conflict which he saw must surely come. What Mr. Calhoun saw in 1814 is now the philosophy and fixed belief of the leaders of the South. This war on their part is for the perpetuity of slavery, and this can only be secured at the expense of individual and national freedom.

The Constitution is continually pushed forward in support of the inviolability of slavery. Sir, I deny that the Constitution contains any special guarantees in behalf of slavery. It provides for the surrender of *persons* owing labor or service escaping from one State into another to the person to whom such labor or service is due. This is as applicable to apprentices as to slaves; and, at the time the Constitution was framed, embraced a large number of emigrants known as redemptioners. No one ever claimed that property in the service of an apprentice was specially placed under national protection because of this provision. If, however, the Constitution were all that slavery claims for it in this respect, the paramount law of self-preservation is not the less obligatory on the nation. Whatever we deem necessary, in the exercise of an honest and sound discretion, as a means of preserving national existence, that we have the authority of reason and of law to do. This doctrine is clearly recognized in the late special message of the President to Congress recommending national aid to the liberating border States. It is sound law, and has both reason and authority in its support. Slavery is not only the cause, but one of the great supports of the rebellion. Slaves do much of the work of the rebel army—throw up the entrenchments and build the fortifications of the enemy. Their labor, in a large degree, furnishes the means of support to the armies employed against us, and gives to the confederate States the little credit they have either at home or abroad. Yet slavery is the one thing we must not disturb. We must not directly attack it, even though the nation perish through our forbearance. To no other interest do we accord this exemption from the dangers and necessities of war.

Mr. President, I come now to consider the bill as an act of confiscation. Here its provisions are not so broad and sweeping as its opponents represent. It is not a general act of confiscation against the property of all rebels, but against

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the property of such only as shall be beyond the reach of judicial process. The bill is based on the principle that if the rebel can be arrested, and punishment inflicted upon him through the courts, his property is not molested. But if he abandon his property, and flee the country, or be within territory where the rebellion has overriden the authority of the United States, the bill proposes, after condemnation in court, or by military commissioners, when no courts can be held, to take and sell his property, placing its proceeds in the national Treasury. I favor the amendment adopted on Thursday last, of the Senator from Ohio, [Mr. SHERMAN.] I desire to reach only the property of the leaders of the rebellion. To the masses of the southern people, who have been grossly deceived, I would grant an amnesty, a full and free pardon.

Three grounds of objection are made to this bill. It is claimed to be in contravention of the law of nations, ; violative of the Constitution of the United States; and that its passage would be most impolitic, driving our enemies to desperation, and sowing the seeds of bitter enmity for generations to come.

I will consider, briefly, the objections presented. The Senator from Missouri [Mr. HENDERSON] labored learnedly to make good the first ground of objection. He cited authorities of weight and respectability; but upon further examination he will find, I think, the law settled against him, both on general authority, and by the decision of our own courts.

National law rests upon the law of nature, conventional law, or treaties, and upon general customs which, by common consent, have the force of law. Nations are *bound* by the natural law, which is called the *necessary* law of nations. Of this I considered in speaking of emancipation under this bill. It is of universal obligation, binding at all times and under all circumstances. Conventional law rests upon conventions and treaties, and of course binds those nations only that are parties to them. General customs or usage have the authority of law only by the consent of nations, and each nation has a right to decide for itself under what circumstances and to what extent it will submit to a custom or usage. This must of necessity be so. The right is essential to the freedom of nations. Vattel says:

"The natural society of nations cannot subsist, if the rights each have received from nature are not respected. None would willingly renounce its liberty; it would rather break off all connection with those that should attempt to violate it. From this liberty and independence it follows that every nation is to judge what is conscience demands; of what it can or cannot do; of what it is proper or improper to be done. In all cases where a nation has the liberty of judging what its duty requires, another cannot oblige it to any given action. For attempting this would be an injury to the liberty of nations."

As an independent member of the commonwealth of nations, we alone determine when and how far we will be bound by the customary law. Upon the hypothesis, then, that the measure before us is in conflict with international law, still our right to enact it cannot be questioned.

Should we pass this bill, what power will annul it within our jurisdiction, on the ground that the law of nations is violated? If national law is invaded nations must come to its support. Does any Senator believe that the passage of this bill would provoke towards us the hostility of nations? Would the foreign ministers resident here, protest on behalf of their respective Government? Sir, we know they would not, and for the best of reasons: the bill does not impinge on the national law. So much of the bill as is a measure of emancipation would be hailed with joy throughout the civilized world. For this we would receive the plaudits instead of the censure of nations.

I have thus far considered the case on the hypothesis that the bill is violative of national law, and presented the ground that we are bound to obedience by our consent alone. But the law is well settled in favor of our right to seize and confiscate the property of an alien enemy in time of war, and who, at the time of seizure, is engaged in peaceful commerce. The case is greatly strengthened against a rebel in arms. The point was decided in our Supreme Court, in the case of Brown *vs.* The United States, (8 Cranch, 110.) The points raised for adjudication were:

1. May enemies' property found on land at the commencement of hostilities be seized and condemned? And

2. Is an act of Congress, authorizing such seizure and condemnation, necessary; or does the right follow a declaration of war?

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The opinion of the court was delivered by Chief Justice Marshall. On the first point, the court says:

"Respecting the power of the Government, no doubt is entertained. That war gives the sovereign full right to take the persons, and confiscate the property of the enemy wherever found, is conceded. The mitigations of this rule, which the humane and wise policy of modern times has introduced into practice, will more or less effect the exercise of this right, but cannot impair the right itself. That remains undiminished, and when the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will."

Kent, in commenting on this case says:

"However strong the current of authority in favor of the modern and milder construction of the rule of national law on this subject, the point seems to be no longer open for discussion in this country. It has been definitely settled in favor of the ancient and sterner rule, by the Supreme Court of the United States. The effect of war on British property, found in the United States, on land, at the commencement of the war, was learnedly discussed and thoroughly considered, in the case of Brown; and it was decided as upon a settled rule of the law of nations, that the goods of an enemy found in the country, and the vessels and cargoes found afloat in our ports, at the commencement of hostilities, are liable to seizure and confiscation; and the exercise of the right vested in the discretion of the sovereign of the nation."

The right to seize and confiscate the property of an alien enemy, wherever found within our territory, is as clearly established as the adjudications of our own courts can establish it. He who is both a public enemy and a traitor surely cannot claim to stand in a better position than an alien enemy actually guilty of no offence. The traitors of our country occupy a very different position from that of lawful belligerents. It is true that we accord to them many beligerent rights, but we may properly treat them as traitors. As against them, we are possessed of every beligerent right, as fully as if they were an independent nation levying war against us; and we are also possessed of all the rights of a legitimate sovern against traitors in armed revolt. Their property cannot be reached, because they are citizens, and entitled to the protection of the Constitution!

"No person shall be deprived of life, liberty, or property without due process of law;" that is, without proceedings according to the course of the common law. How grossly we violate the Constitution in shooting down these citizen traitors! There can be no mistake. The violation of the Constitution is most palpable. We take the lives of these citizens and brothers without due process of law. How absurd is all this. Those in rebellion are both traitors and public enemies, and are amenable to the laws provided against both. An alien enemy, whose property is found among us, having never himself borne arms against the country, this property we seize and forfeit; but if his allegiance were due to us, if he had sworn to support and defend the Constitution, and then wickedly perjured himself, if he had borne commission in rebel armies, and devoted his all to the overthrow of the Government, we cannot take and forfeit his property; it is under the ægis of the Constitution, and must be used only in the service of the rebellion! The very point I am now considering was recently before the United States district court for Massachusetts.

The Amy Warwick was captured on the high seas by the United States ship-of-war Quaker City, August 10, 1861. The libel was against both vessel and cargo. The vessel and part of the cargo were admitted to belong to citizens and permanent residents of Richmond, Virginia. The hearing was confined to the property so owned; the question as to the rest of the cargo being left for future investigation. Sprague, Justice, delivered the opinion of the court. I give so much as bears on the point under consideration:

"Some have apprehended that if this conflict of arms is to be deemed war, our enemies must have, as against the Government, all the immunities of international belligerents. But this is to overlook the double character which these enemies sustain. They are at the same time belligerents and traitors, and subject to the liabilities of both; while the United States sustains the double character of belligerent and sovereign, and have the rights of both. These rights coexist, and may be exercised at pleasure. Thus we may treat the crew of a rebel privateer merely as prisoners of war, or as pirates or traitors; or we may, at the same time, give to a part of the crew the one character, and to the residue the other, and after treating them as prisoners of war, we may exercise over them sovereign power and deal with them as traitors. The temporary non-user of such rights is not a renunciation of them, but they may be called into practical exercise."

"Mr. Wharton, in his Elements of International Law, (page 365,) so strongly maintains belligerent rights in civil war, that some of his language would imply that these were no other rights. This, however, could not have been intended; for if sovereign rights be at an

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end, the war is merely international. Civil war, *ex vi termini*, imports that sovereign rights are not relinquished, but insisted on. The war is waged to maintain them. Rose *vs.* Himely (4 Cranch, 272) was a case arising out of the exercise of sovereign rights by France in her civil war with St. Domingo. The court recognized the coexistence of belligerent and sovereign rights.

"The United States have, during the present war, exercised both belligerent and sovereign rights.

"Examples of the former are, receiving capitulations of the enemy as prisoners of war, and holding and exchanging them as such; and a still more prominent instance is the blockade which, before the assembling of Congress, was established by military authority of the Commander in-Chief."

"I am satisfied that the United States as a nation, have full and complete belligerent rights, which are in no degreee impaired by the fact that their enemies owe allegiance, and have superadded the guilt of treason to that of unjust war."

That the confiscation of the property of those engaged in rebellion and unsuccessful revolution is a part of the history of civilized nations. It is deeply impressed upon English legislation during the last century. Half the titles of the kingdom rest upon acts and decrees of confiscation. Such, too, is the history of France. Every one, I think, of the old Thirteen Colonies confiscated the property of enemies within their respective jurisdictions in the time of our own Revolution. The property of German refugees who engaged in the revolution of 1848 beyond question was confiscated. It is the policy and practice of every nation thus to punish rebellion and treason. In passing this bill we are traveling in the beaten path of nations. All men who understand the true nature of the struggle in which we are engaged will hail this measure as just, and demanded by a wise consideration of our own interests, and by the atrocious wickedness of our enemy.

Again: objection is made to the bill because of its alleged unconstitutionality. The Constitution, after defining the crime of treason, provides that—

"Congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted."

What is "*attainder*," as here used? Simply judicial judgment against an offender for the crime of treason. The provision then is, no judgment pronounced by a court for treason shall work corruption of blood or forfeiture beyond the life of the party. This provision changed the rule of the common law; the judgment of a court against an offender for treason did corrupt the blood, and destroy its inheritable qualities, and his property became forfeited to the Crown. The Constitution simply does away with the common-law consequences of the judgment, by declaring that no attainder, that is, no judgment for treason, shall work corruption of blood or forfeiture beyond the life of the party against whom judgment shall be pronounced. Our right to confiscate the property of rebels cannot be affected by a constitutional provision which declares that certain consequences which attached to a judgment for treason, at common law, shall not follow such judgment here. This bill does not pronounce judgment against any one. No man can be tried under it. It affects property alone, and touches no property of an offender amenable to process. It does not change the punishment of treason by declaring a forfeiture of estate as a part of the penalty. Those whose property is taken are beyond the reach of personal punishment. Are the refugees of this rebellion to live upon the revenues of large estates here? Is Slidell to live in Europe in affluence on the revenue from estates in Louisiana? Does a traitor, possessing large estates, gain immunity from all punishment whatever by fleeing the country and making his permanent residence abroad?

Sir, this bill has no relation whatever to the punishment provided against treason. It attaches to the *property* of those in rebellion, and provides for proceedings *in rem*, and not *in personam*. The two are wholly distinct. Under this bill, you take and confiscate the property of rebels; if afterwards they should come within our power, they may be indicted, convicted, and hung for the crime of treason. The bill provides for the proceedings *in rem* as in prize cases, and in no way affects the penalties *in personam* administered by our criminal courts.

The case of the Palmyra (12 Wheaton, p. 1,) was the case of seizure by a Government vessel, the Grampus, under the acts of piracy, of the 3d March,

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1819, and of 15th May, 1820. One ground taken against a condemnation of the vessel was, that it was not averred in the libel that there had been a conviction *in personam* of the offence charged in the libel; and it was contended that there must be a conviction upon an indictment for the offence *in personam*, averred and proved, in order to maintain the libel *in rem*.

Justice Story, who delivered the opinion of the court, in noticing this objection, says:

"The point of objection is of an important and difficult nature. It is well known that at common law, in many cases of felonies, the party forfeited his goods and chattles to the Crown. No right to the goods and chattles of the felon could be acquired by the Crown by the mere commission of the offence; but the right attached only by the conviction of the offender In contemplation of the common law, the offender's right was not divested until conviction. But this doctrine never was applied to seizures and forfeitures created by statute *in rem*, cognizable on the revenue side of the exchequer. The thing is here primarily considered as the offender, or rather the offence is primarily attached to the thing. Many cases exist where the forfeiture for acts done attaches solely *in rem*, and there is no accompanying penalty *in personam*. Many cases exist where there is both a forfeiture *in rem* and a personal penalty. But in neither class of cases has it ever been decided that the prosecutions were dependent upon each other. But the practice has been, and so this court understands the law to be, that the proceeding *in rem* stands independent of and wholly unaffected by any criminal proceeding *in personam*."

Here the offence is attached to the thing, and the bill provides for proceedings *in rem*, as in prize cases or forfeitures arising under the revenue laws. It has no connection whatever with criminal proceedings *in personam*, they are still open to be resorted to, if the offender shall ever come within the reach of our criminal process.

The Constitution provides that "no bill of attainder or *ex post facto* law shall be passed;" and it is objected that the bill under consideration impinges on this constitutional provision. It is claimed to be a bill of pains and penalties within the mischief, and, therefore, within the constitutional prohibition against bills of attainder. I agree, if this be a bill of "pains and penalties," that we have no constitutional power to enact it. A bill of "attainder" differs from a bill of "pains and penalties" only in pronouncing the judgment of death, instead of a milder punishment. Both are equally within the reason and spirit of the constitutional prohibition. In both, the Legislature assumes judicial functions, and pronounces sentence for offences, and without the safeguards of a trial. No jury, no court, no evidence—the Legislature, by an act of legislation, pronounces sentence. Both a bill of attainder and a bill of pains and penalties are of the nature of *ex post facto* laws. In both, the Legislature assumes judicial functions, and proceeds to conviction without law or evidence.

This bill has no features of a bill of pains and penalties. It is not *ex post facto;* it inflicts no penalty for past offences, but only inflicts forfeiture against such as shall, after its passage, be guilty of bearing arms against the United States, or in giving them aid and comfort. It pronounces no legislative sentence. The bill itself does not appropriate any property, but only makes the appropriation after the condemnation by the courts, or through commissioners, where the rebellion makes the sitting of courts impossible. If it is complained that the bill gives too great preat power to the commissioners, I answer that this objection is not open to those who, by arms, have set up another jurisdiction, and driven our courts from the territory of several States. This would be to give exemption to the property of traitors because of their treason.

Very extraordinary powers are claimed for the President on this subject of emancipation of slaves and the confiscation of property. As Commander in-chief, it is claimed that he has full power to emancipate the slaves, and the right to take for public use such property of the rebels as he pleases. This, sir, is claiming large powers for the President, and if he possesses them, then, indeed, does war make him as absolute as the Czar or Sultan. The President, as Commander-in-chief, has no power to emancipate slaves, except as actually connected with his military operations, and here he is limited to the actual power of the force under his command. A general in the field has the same power. A proclamation by the President of general emancipation, or of emancipation of the slaves of rebels, is utterly without force. He may control by martial law (which, for the time being, supersedes the municipal law) within his military array. Here, he may call upon the slave for military service, and take

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him out of the power and control of his master. His authority as military commander goes not beyond his lines. He has no power whatever of confiscation. He may take such military stores, forage, and provisions, as are necessary for the support of his army, and this he may do alike from friend or foe.

The supreme power of this Government, under and within the limits of the Constitution, is in Congress. In the case before cited of Brown *vs.* The United States, while it was determined that we might confiscate enemies' property found on land; it was also decided—and the case turned on this point—that the power of confiscating enemies' property is in Congress. After citing the act of Congress declaring war against Great Britain, the court say:

"There being no other act of Congress which bears upon the subject, it is considered as proved that the Legislature has not confiscated enemy property which was within the United States at the declaration of war, and this sentence of condemnation cannot be sustained."

Again:

"It appears to the court, that the power of confiscating enemy property is in the Legislature, and that the Legislature has not yet declared its will to confiscate property which was within our territory at the declaration of war."

This disposes effectually of the extraordinary pretensions set up for the President, as a ground of opposition to this bill. Those who really favor the confiscation of rebel property, will go for some legislation to effectuate that end. The President has no more power of confiscation than any Senator on this floor.

Mr. President, the passage of this bill is demanded by the strongest considerations of justice and policy. It is very much a question, whether the property of loyal men of the North shall be confiscated by taxation, or the vast property of the leading rebels be taken to defray in part the expenses of the war? Between independent Powers, it is not unusual in treaties of peace to introduce stipulations providing for the payment in part by one party to the other, of the expenses attending the war. Indeed, it is most common in modern times. If nations thus claim and receive indemnity for the expenses into which unjust war has plunged them, may we not, with much justice and propriety indemnify ourselves in part for the enormous costs of this most causeless and unprovoked war? All loyal men agree that the rebellion must be crushed out. This can only be done by driving the leaders from the country and confiscating their estates. They must be reduced to poverty before their power in the South can broken. Our interests and our safety demand the speedy passage of this bill. Leniency emboldens the traitors. They feel secure in their propery, come what may. Those suspected of loyalty only suffer. Refuse to pass this bill, and you offer a premium to disloyalty and treason. The safety of a man's property in the South will impel him to side with our enemies. The rebels seize and appropriate the property of loyalists; we secure and protect the property of rebels. The passage of this measure is demanded as a just measure of retaliation. Hundreds of millions of property in the South, belonging to northern men, has been confiscated or destroyed. Other hundreds of millions of debts due our merchants and manufacturers, and of investments in railroad stocks and other southern securities, has been forfeited to the rebel government. Other millions, the property of loyal southern men, have been pillaged and destroyed. "A State," says Vattel, "taking up arms in a just cause, has a double right against its enemy. A right of putting itself in possession of what belongs to it, and which the enemy withholds; and to this must be added the expenses incurred to this end, the charges of the war, and the reparation of the damages." We must not give license to rebellion by the forbearance with which we treat the rebels. We must protect the interests of loyal citizens by charging the property of traitors with the expenses of the war.

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